

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RAFAEL J. PETITPHAIT,

Plaintiff,

v.

Case No. 6:20-cv-206-Orl-37GJK

INFINITI EMPLOYMENT SOLUTIONS;
and STACON, INC.,

Defendants.

ORDER

Plaintiff, proceeding *pro se*, sued Defendants, claiming: (1) “severe emotional distress”; (2) “intentional and reckless disregard”; (3) “outrageous conduct”; (4) “intentional/negligent infliction of emotional distress”; and (5) “abuse of process.” (Doc. 1 (“**Complaint**”).) With the Complaint, Plaintiff moved to proceed *in forma pauperis*. (Doc. 2 (“**IFP Motion**”).) On referral, U.S. Magistrate Judge Thomas B. Smith struck the IFP Motion as it contained the names and ages of Plaintiff’s minor children. (Doc. 3, p. 1.) Magistrate Judge Smith also found the Complaint lacked factual allegations establishing the Court’s jurisdiction and failed to state a claim. (*Id.* at 3–4.) He ordered Plaintiff to file an amended complaint and renewed motion to proceed *in forma pauperis* within twenty-one days, cautioning that failure to do so will result in a recommendation that the case be dismissed without prejudice, without further leave to amend. (*Id.* at 4.) Plaintiff failed to timely comply, so Magistrate Judge Smith recommends dismissing the case without prejudice, without further leave to amend. (Doc. 7 (“**R&R**”).)

Plaintiff did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such error, the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 7) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The case is **DISMISSED WITHOUT PREJUDICE**. Should Plaintiff wish to further pursue his claims, he must initiate a new action and either pay the filing fee or file a motion to proceed *in forma pauperis*.
3. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 10, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:
Pro Se Party